



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 017-18

1412 CASTILLO STREET

MODIFICATIONS

APRIL 11, 2018

**APPLICATION OF CRAIG GOODMAN, AGENT FOR CHARLES AND SYLVIA BUTLER
REVOCABLE TRUST, 1412 CASTILLO STREET, APN 039-052-024, R-MH ZONE
(RESIDENTIAL MULTI-UNIT AND HOTEL), GENERAL PLAN DESIGNATION: MEDIUM
HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) (MST2016-00529)**

The 8,172 square foot site is currently developed with 2 one-story single residential units, a detached oversized one-car garage/workshop, and accessory building. The proposed project involves construction, demolition, and remodeling of every structure on the lot. The proposed project would result in a four-unit Average Unit-Size Density project. Improvements on the lot include:

Unit 1 (existing single residential unit at the front of the lot): Construction of a new covered porch, construction of an attached one-car carport, new windows and doors, roof replacement, new exterior siding, and interior remodel resulting in a three-bedroom, two-bathroom unit. The existing unit is non-conforming to the western interior setback and front setback and would continue the non-conformity.

Unit 2 (existing single residential unit at the middle of the lot): Construction of a new front, side, and rear porches, legalization of an "as-built" addition to the rear of the unit, new windows and doors, roof replacement, new exterior siding, and interior remodel resulting in a three-bedroom, three-bathroom unit. The existing unit is non-conforming to the western interior setback and would continue the non-conformity.

Unit 3: Construction of new second story two-bedroom, two-bathroom unit atop the proposed garage and atop an existing accessory building that will be converted to Unit 4.

Unit 4 (existing accessory building at the rear of the lot): Conversion of accessory building to a residential unit, new windows and doors, interior remodel, and addition resulting in a two-bedroom, two-bathroom residential unit.

Garage: Demolition of existing one-car garage/workshop and construction of a two-car garage. The existing garage is non-conforming to the eastern interior setback; the proposed garage would continue the existing non-conformity.

Site improvements such as hardscaping, landscaping, uncovered parking, partial demolition and reconstruction of the site wall along the front lot line, the demolition of an "as-built" trellis in the existing driveway, and Storm Water Management Plan (SWMP) improvements are also proposed. Access is proposed to be relocated from an existing driveway curb-cut to one on the adjacent property (1416 Castillo Street), with an access easement to be recorded. The existing on-site curb-cut would be removed with a separate Public Works permit.

The project would abate the violations listed in ENF2016-01132.

The discretionary applications under the jurisdiction of the Architectural Board of Review required for this project are:

1. Minor Zoning Exception to allow the proposed site wall along the front lot line to exceed 42 inches in height (SBMC §30.140.110.E.2.a and SBMC §30.245.030); and
2. Minor Zoning Exception to allow door and window changes in the interior setback within five feet of the property line (SBMC §30.165.040.B.2.a and SBMC §30.245.030).

The discretionary applications under the jurisdiction of the Staff Hearing Officer required for this project are:

1. Front Setback Modification to allow the proposed covered front porch for Unit 1 to encroach into the required ten-foot front setback (SBMC §30.20.030.B and SBMC §30.250.030.B);
2. Interior Setback Modification to allow the proposed garage to encroach into the required three-foot interior setback for covered parking (SBMC §30.20.030.B and SBMC §30.250.030.B); and
3. Open Yard Modification to allow the proposed common open yard to be less than the required 15% lot area and less than the required ten-foot by ten-foot dimensions, and for ground level private open yards to have less than the required ten-foot by ten-foot dimensions (SBMC §30.140.140.2 and SBMC §30.250.030.B).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183 (Project Consistent with a Community Plan or Zoning).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 2, 2018
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the Front Setback and Open Yard Modifications , making the following findings and determinations:
 - A. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183 based on city staff analysis and the CEQA certificate of determination on file for this project.
 - B. The Front Setback Modification to allow a proposed front porch to encroach into the required ten-foot setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed front porch would provide an aesthetic improvement, consistent with the Architectural Board of Review's comments, and additional private open space for the

tenant that is directly accessible from the residential unit, while maintaining the existing non-conforming front setback of the existing residential unit.

- C. The Open Yard Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The amount of proposed open yard, when combining private and common open yard, exceeds the square footage requirements by approximately 19%. Many spaces on the lot, such as front porches and ramps, are technically not counted towards the required open yard area, but are usable open spaces. When considering the spaces not counted, the proposed open yard area exceeds the square footage requirement by 83%. Further, the proposal would increase designated open yard on the site by 47% from the existing conditions of non-conforming open yard. The abundance of proposed open yard square footage negates the dimension requirements for private and common open yard. The designated configuration of proposed private and common open yard would provide a sense of openness for the residential development and space for outdoor living, and tenants are anticipated to have adequate useful space for outdoor living and enjoyment.

- II. Denied the Interior Setback Modification to allow a proposed garage to encroach four and one-half feet into the required six-foot setback for covered parking making the findings and determinations that the Modification is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. There is a reasonable alternative conforming design solution available. No site constraints exist that constitute an unreasonable hardship or prevent the construction of a conforming garage. The proposed garage can be redesigned to avoid the need for the granting of the interior setback modification.


- III. Said approval is subject to the following conditions:

- A. **Rental Housing.** The owner of real property developed with Rental Housing in the Priority Housing Overlay must record a written covenant, in a form acceptable to the City Attorney, by which the owner agrees to maintain the rental housing use for as long as the property is developed and maintained at the incentive densities provided in SBMC Section 28.20, Average Unit-Size Density Incentive Program. (This is a requirement per the AUD Ordinance SBMC §28.20.060 D.3).
- B. **Annual Resident Survey.** For informational purposes only, all Average Unit-size Density Incentive Program projects in the Medium High and High Density and Priority Housing Overlay zones shall conduct an annual resident survey and report the following information for each unit to the Planning Division by December 31st of each year for the first eight years of the project, commencing the year the project receives occupancy clearance. The annual report for each unit shall include:
1. Net floor area.
 2. Number of bedrooms.
 3. Monthly rent (or condominium purchase price) and utilities.
 4. Periods of vacancy.

5. Household size.
 6. Current employment location of each adult resident by zip code.
 7. Prior employment location of each adult resident by zip code.
 8. Prior residence zip code for each adult.
 9. Number of cars, trucks and bikes owned by each resident. Please list types of alternative transportation used (if any).
- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- D. **Required Private Covenant.** The Owner shall submit a copy of a recorded covenant outlining the future required access easement between the subject parcel (APN 039-052-024) and the neighboring parcel (APN 039-052-025) prior to building permit issuance
- E. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans (site plan if no grading plan):
- If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.
- If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.
- If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

This motion was passed and adopted on the 11th day of April, 2018 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

 4/11/18
Krystal M. Vaughn, Commission Secretary Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action, your next administrative step should be to apply for **Architectural Board of Review (ABR)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire three (3) years from the date of the approval, per SBMC §30.205.120, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 1. an Issuance of a Certificate of Occupancy for the use, or;
 2. one (1) year from granting the approval.

